

REMARKS

Claims 9-10, 19-20, and 29-30 remain pending in the application. Claims 1-8, 11-18, and 21-28 are canceled and claims 9, 19, 20 and 29 are amended. Reconsideration of the claims is respectfully requested.

I. Rejection Under 35 U.S.C. § 112, First Paragraph

The examiner objects to the specification under 35 U.S.C. § 112, first paragraph, as failing to adequately teach how to make and/or use the invention in claims 1, 11, and 21. Additionally, the examiner rejects these claims for the same reasons.

II. Rejection Under 35 U.S.C. § 102, Anticipation

The examiner rejects claims 1-3, 11-13 and 21-23 as anticipated by *Hadi Salim et al.*, Congestion Notification From Router, U.S. Patent No. 6,535,482, March 18, 2003. Applicants have canceled these claims, thereby rendering the rejection moot.

III. Rejection Under 35 U.S.C. § 103, Obviousness

The examiner rejects claims 4-8, 14-18 and 24-28 as obvious over *Hadi Salim et al.*, Congestion Notification From Router, U.S. Patent No. 6,535,482 March 18, 2003, as applied to claims 1-3, 11-13 and 21-23 above, in view of *Li et al.*, Enhancement of Explicit Congestion Notification (ECN) for Wireless Network Applications, U.S. Patent 6,741,555 No. May 25, 2004. Applicants have canceled these claims, thereby rendering the rejection moot.

IV. Objection to Claims

The examiner states that claims 9, 10, 19, 20, 29 and 30 are objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form, including all of the limitations of the base claim and any intervening claims, and amended to overcome the rejections under 35 U.S.C. § 112, second paragraph. The rejections under 35 U.S.C. § 112, second paragraph were overcome with the previous response to office action. See Office Action of June 23, 2005, p. 2. Applicants have amended the claims to be in independent format. Therefore, allowance of these claims is respectfully requested.

V. Conclusion

It is respectfully urged that the subject application is patentable over *Hadi Salim et al.* and *Li et al.* and is now in condition for allowance.

The examiner is invited to call the undersigned at the below-listed telephone number if in the opinion of the examiner such a telephone conference would expedite or aid the prosecution and examination of this application.

DATE: _____

8/30/05

Respectfully submitted,



Theodore D. Fay III
Reg. No. 48,504
Yee & Associates, P.C.
P.O. Box 802333
Dallas, TX 75380
(972) 385-8777
Attorney for Applicants